

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

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No. 04-2060  
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UNITED STATES OF AMERICA

v.

LEROIY TURNER, JR.,  
Appellant  
\_\_\_\_\_

Appeal from the United States District Court  
for the District of Delaware  
(D.C. Criminal No. 99-cr-00014-4)  
District Judge: Honorable Joseph J. Farnan, Jr.  
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Submitted Under Third Circuit LAR 34.1(a)  
March 18, 2005  
Before: RENDELL, ALDISERT, and MAGILL\*, Circuit Judges.  
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JUDGMENT  
\_\_\_\_\_

This cause came on to be heard on the record from the United States District Court for the District of Delaware and was submitted on March 18, 2005. On consideration thereof, it is now -

ORDERED and ADJUDGED that the April 9, 2004 judgment of sentence is VACATED and this matter is REMANDED for resentencing. All of the above in accordance with the opinion of this Court.

Certified as a true copy and issued in lieu  
of a formal mandate on 5/23/05

Teste:  
Clerk, U.S. Court of Appeals for the Third Circuit

Dated: April 29, 2005  
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ATTEST:

*Marcia M. Waldron*  
Marcia M. Waldron, Clerk

\*Honorable Frank J. Magill, Senior Circuit Judge for the Eighth Circuit, sitting by designation.